

Message Text

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ACTION L-03

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E.O. 11652: N/A

TAGS: ETRD, EIND, HA

SUBJECT: DUPONT CARIBBEAN

REF: P-AU-P 2102

1. DUPON CARIBBEAN INC. (DCI) ATTORNEY MERCERON CONCLUDED PLEADINGS IN APPEAL MORNING OF DECEMBER 17. DON PIERSON AND EMBASSY REPRESENTATIVE WERE BOTH PRESENT. MERCERON'S MAIN POINTS INCLUDED QUESTIONS OF COURT JURISDICTION, MEETINGS OF FREEPORT AUTHORITY (DCFPA), AND PHYSICAL INVESTMENT MADE ON THE ISLAND OF TORTUGA.
2. DCI CONTENTS INTENT OF CONCESSION CONTRACT WAS CLEARLY TO REFER CONTRACT DISAGREEMENTS TO INTERNATIONAL COURT OF THE HAGUE, AND CITED PRECEDENTS OF HAGUE COURT CONSIDERATION OF DISPUTES BETWEEN SOVERIGN STATES AND PRIVATE ENTITIES.
3. DCI CONTENTS THAT DCFPA MET ON THREE OCCASIONS, AND FURTHER MEETINGS WERE IMPOSSIBLE BECAUSE OF GOH DELAYS IN APPOINTING DCFPA MEMBERS AND GOH MEMBERS' INABILITY TO ATTEND SCHEDULED MEETINGS.
4. MERCERON DESCRIBED THE AIR STRIP, 19 KILOMETERS OF ROAD, AND SEVERAL BUILDINGS WHICH WERE BUILT BEFORE WORK WAS HALTED BY THE GOH.

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5. GOH ATTORNEY SUMMARIZED GOVERNMENT'S CASE IN LESS THAN 15 MINUTES. HE REPEATED OBJECTION RE DCI'S FAULTY APPEAL FILING PROCEDURE (REFTEL), AND REFERRED TO THE RECORD OF EARLIER CIVIL COURT PLEADINGS RATHER THAN ADDRESSING SPECIFICALLY POINTS RAISED BY DCI IN APPEAL.

6. JUDGE PROBABLY WILL NOT ISSUE RULING UNTIL AFTER HOLIDAYS, BUT EMBASSY WILL REMAIN IN CONTACT WITH COURT OFFICIALS AND WILL REPORT ANY DEVELOPMENTS.
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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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